



ZFK

Patent  
Attorney's Docket No. 1033275-000426

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	
Abdus Suttar Khan et al.	)	Group Art Unit: 1775
Application No.: 10/799,755	)	Examiner: Elizabeth D. Ivey
Filed: March 15, 2004	)	Confirmation No.: 2055
For: METHOD OF DEPOSITING A	)	
WEAR RESISTANT SEAL	)	
COATING AND SEAL SYSTEM	)	

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In an Official Action dated April 27, 2006, the Examiner has indicated that restriction to one of the following inventions is required under 35 U.S.C. § 121 and 372:

- Group I: claims 1-5, drawn to a method of depositing a wear coating; and
- Group II: claims 6-13, drawn to a seal system.

Accordingly, Applicants provisionally elect Group II, the subject matter of claims 6-13, with traverse. Applicants submit that the restriction requirement is clearly in error. It is believed that in examining the non-elected claims, the Examiner will search the same classes of art as is required to search the invention of the elected claims, resulting in the same references being cited against both of the aforementioned groups of claims.

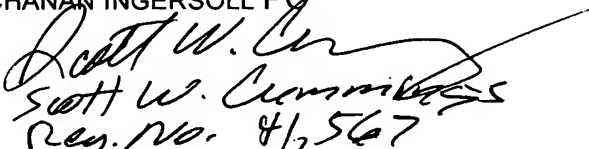
Thus, this restriction will not reduce the workload of the U.S. Patent and Trademark Office or simplify prosecution of the application. As set forth in M.P.E.P.

§ 803, there are two criteria for a proper restriction requirement between patentably distinct inventions: (1) the inventions must be independent or distinct as claimed; and (2) there must be a **serious burden** on the Examiner if restriction is not required. This portion of the M.P.E.P. requires that if the search and examination of an entire application can be made without serious burden, the Examiner **must** examine it on the merits, even though it includes claims to distinct or independent inventions.

Accordingly, reconsideration and withdrawal of the aforementioned restriction requirement is respectfully requested. This election is hereby made without prejudice to Applicants' right to file a divisional application or applications should the restriction and election requirements become final.

Respectfully submitted,

BUCHANAN INGERSOLL PC

By:   
Reg. No. 41,567  
 Scott W. Cummings  
 Registration No. 41,567

Date: May 11, 2006

P.O. Box 1404  
 Alexandria, Virginia 22313-1404  
 (703) 836-6620